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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,642	01/04/2002	Thomas J. Conway	56995US002	9185

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EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/038,642

Applicant(s)

CONWAY ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-12,14-18,20-22,46 and 48-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-12,14-18,20-22,46 and 48-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1 – 3, 6 – 12, 14 – 18, 20 – 22, 46 and 48 – 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (USPN 6,410,120) in view of Wheatley et al. (USPN 6,049,419).

Frost et al. disclose a laminated glazing (Column 1, lines 10 – 11) comprising a first and second bonding sheets (Column 4, lines 13 – 14) made from polyvinyl butyral that have a major surface surfaces and peripheral edges (Column 4, line 15; Figure 1, # 31 and 32), wherein both the first and second bonding layers are suitable for bonding to glazing components (Column 4, lines 9 – 13). A transparent optical sheet comprising an extruded multi-layer sheet of semi-rigid material having a major surface and a peripheral edge (Column 4, lines 19 – 25; Figure 1, #5) is

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located in between the laminating sheets and glazing components (Figure 1, #5) and is bonded with the bonding sheets by laying the edge of the optical sheet within the peripheral edge of the bonding sheet (Figure 1, #5, 31 and 32). As seen in Figure 1, the major surface of the optical sheet and the major surface of the bonding materials are positioned together. The optical film is of size so that is positioned within the peripheral edge of the glazing components (Figure 1, #5). While one of the major surfaces of the bonding sheets are in contact with the optical sheet, the other major surface of the bonding sheets are in contact with the major surfaces of the glazing components and extend beyond the peripheral edge of the optical film causing contacting between the bonding films (Figure 1, #21, 22, 5, 31 and 32; Column 5, lines 7 – 13). The optical film is completely within the peripheral edges of the glazing components (Figure 1, #5, 21 and 22). The layers in the laminate are fully bonded together so that no voids adjacent to the peripheral edge of the optical sheet (Figure 1, #21, 22, 5, 31 and 32; Column 5, lines 7 – 13). Frost et al. also disclose an intermediate film, optical sheet, in between two glazing components that is cut in a variety of sizes including the same size as the glazing components, smaller than the components or larger than the components, extends beyond the edges of the glazing components, (Column 2, lines 6 – 9) or forming an incision or slit into the intermediate film, optical sheet, (Column 2, lines 10 – 14 and Figure 3, #8) that is at least 10 mm from the peripheral edge of the glazing component (Column 4, lines 53 – 55). However, Frost et al. fail to disclose a non-metallic birefringement multi-layer optical film and wherein the optical film is a film from the group consisting of infrared reflecting films, polarized films, non-polarized films, multi-layer films, colored films, tinted films and decorative films.

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Wheatley et al. teach a non-metallic birefringement multi-layer optical film (Column 5, lines 7 - 9) made from a variety of polymer materials (Column 9, lines 45 – 65) wherein the optical film has many applications including infrared reflecting films, polarized films and multi-layer films (Column 5, lines 13 – 16; Column 7, lines 26 – 34) for the purpose reducing the required cooling of an automobile in the summer (Column 32, lines 40 – 46).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the non-metallic birefringement multi-layer optical film that has many applications that include infrared reflecting films, polarized films and multi-layer films instead of the film layer in Frost et al. in order to have an optical body that reduces the required cooling of an automobile in the summer as taught by Wheatley.

#### *Response to Arguments*

4. Applicant's arguments with respect to claims 1 – 3, 6 – 12, 14 – 18, 20 – 22, 46 and 48 – 66 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

*2/23/06*